It is Held That the Federal Courts Have Admiralty Jurisdiction Over a Libet Against a Ship for Damages Done a Fixed Structure—Other Decisions.

WASHINGTON, Nov. 28 .- A new principle in admiralty procedure was laid down by the Supreme Court to-day in a decision holding that the Federal Courts had admiralty jurisdiction over a libel against a ship for damages done a beacon light. The case grew out of a collision in the harbor of Mobile between the British steamship Blackheath and a beacon on the top of ples. Heretofore admiralty jurisdiction has not extended to anything affixed to land, like a pier, bridges, &c.

"It seemed more arbitrary than rational," said Justice Holmes in delivering the opinion of the court, to treat attachment to the soil as a peremptory bar outweighing the considerations that the injured thing was an instrument of navigation and no part of the shore, but surrounded on every side by water, a mere point projecting from the sea." In such a case jurisdiction might be taken without transcending the limits of the Constitution or previous decisions of the court.

Justice Brown, in a concurring opinion, folds that the judgment rendered superedes the previous decisions and the practice of the courts for forty years, and ecognizes the principle adopted by English admiralty law extending jurisdica structure affixed to land. It made no difference in principle whether the beacon be affixed to piles or to a stone projecting from the bottom or whether it were surrounded by one or twelve feet of water. The damage done to fixed or to floating structures was a somewhat artificial one and to his view was founded on no sound principle, and the fact that Congress, under the Constitution, could not extend the admiralty jurisdiction afforded an argument for a broad interpretation consonant with the needs of modern commerce. To attempt to draw the limit of jurisdiction between different kinds of fixed structures, as, for instance, between beacons and wharves, would lead to great confusion and much further litigation.

In the case of Maggie A. Bradford against the Southern Railway, a suit for damages, the court also established a new principle of procedure. It was to the effect that while the law permitted suits to be brought in federal districts courts by people unable to pay the cost of the courts, that privilege did not extend to the carrying of such suits to the Circuit Court of Appeals.

The Texas State Pilotage law, as modified by the decision of the Supreme Court of that it tate, was held not to be an infringement of the Rederal power to regulate commerce, and the Galveston Pilot Association not menable to the Anti-Trust law, for returning a license to Otto Olsen because had not served as a deputy pilot for a rear, as required by the rules of the association. A lapse of eight years was held by the rules of the association in New Mexico, under a trust executed to line of the suprement of the property of the discovery was made and eight years after a discovery of the arm and and eight years after tion to any damages done by any ship to a structure affixed to land. It made no

pa. John Y. Hewitt. Patterson, the testimony showed made no attempt to enforce the trust until three years after a discovery of rich ore was made and eight years after he had practically abandoned it.

The Baltimore Shipbulding and Dry Dock Company, under a decision to-day, must pay taxes to the city of Baltimore on that portion of its land which it acquired from the Federal Government, and it was not exempt from taxation because the property was to revert to the Government if the company failed to perform its contract to dock United States vessels free of charge. The company contended that the interest of the Government in the land prevented the imposition of taxes by the city; but the judgment of the Maryland Circuit Court of Appeals to the contrary was affirmed. The Missouri Usury law, prohibiting the compounding of interest for less periods than one year, was held to apply to the Caltzens' National Bank of Kansas City, Mo., and its imposition of interest at the

Mo., and its imposition of interest at the rate of 1 per cent. a month for an over-draft to M. C. S. Connell was held to be illegal. By declining to review the decisions of the lower courts and the Board of General the lower courts and the board of General Customs Appraisers assessing duty at 60 per cent. as cotton lace, certain articles made of that lace and known commercially as collars, neckties, scarfs, barbes and fichus, the court in effect rejected the condenties, the court in effect rejected the contention of the importers that they should be classified at 50 per cent, under the paragraph of the Tariff law assessing that rate on clothing and articles of wearing apparel of every description, including neckales and neckwear, composed of cotton. A writ of certiorari was granted for the review of the decision of the lower courts that the value of the Indian rupee for several emonths in 1900 was but 20.7 cents, as claimed thy the importers, whereas the Treasury contends that the value was 32 cents. The duty on imported burlaps, aggregating several millions of dollars, is involved in the question, and if the importers are sustained

the Treasury will be compelled to refund about \$1,500,000.

Counsel for the American Sugar Refining Counsel for the American Sugar Renning Company and other importers of sugar to-clay filed an application for the review of the decisions of the lower courts upholding the present practice of the Treasury De-partment in accertaining the saccharine thrength of imported sugars by polariscopic resea, which are corrected according to the temperature at the time the tests are made. The importers contend that these corrections are unfair and therefore illegal. The sourts below held to the contrary

Movements of Naval Vessels.

WASHINGTON, Nov. 28,-The training whip Hartford has arrived at Hampton Roads, the gunboat Wasp at Port Tampa, the collier Hannibal at Tompkinsville, the cruiser Prairie at Leegue Island, the torpedo boat destroyer Paul Jones at Bremerton, the cellier Nanshan at (hefoo and the gunboat Elcano at Shanghai.

The cruiser Columbia and despatch boat

Dolphin, with Secretary Tell's party aboard, arrived at Colon yesterday. The collier I could a sailed Saturday from Norfolk for Culebra the supply ship Supply from Hong Kong for Manila, and the collier Leba-non from boston for Portsmouth, N. H. The gunboat Frolic sailed yesterday from Shanghai for Amoy. The monitor Monad-tock sailed to-day from Shanghai for Nenkin and the cruiser Yankee from Hamp-ton Roads for Baltimore.

Major Alexander's Resignation Accepted. partment has accepted the resignation of Major Walter S. Alexander, Artillary partment has accepted the resignation of Major Walter S. Alexander, Artillery Corps, stationed at San Francisco. Major Alexander, in tendering his resignation, gave as a reason that he desired to go into private business. He was appointed to the Military Academy from California in 1879, was appointed Second Lieutenant in 1879, was appointed Second Lieutenant in the Fifth Infantry in 1879 and graduated from the Artillery School in 1890. He was appointed a Captain in 1890 and promoted to the rank of Major in 1904.

Army and Navy Orders.

WASHINGTON, Nov. 28. - These army orders were WARHINGTON THE WARHINGTON THE WARHINGTON THE WARHINGTON THE WARHINGTON THE WARHINGT ABOUT A SCHOOL THE WARHINGT ABOUT A WARHINGT A W

Treat navy orders were issued: Treat-Admiral T. F. Jewell, placed on the retired

ts Bsy., istent Surgeon H. A. Dunn, from Naval Hos-Narragansett Bay, to Naval Hospital, New Capt. Albert Boss, inspector of colliers, has been received become commandant of the new navel thing seation at take Blud, iii., which will be

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SCHOOLBOY ARTISTS IN COURT. 'Sympathetic Painting" of High School

Walls Gets Them Into Trouble. Thomas Wrell, Walter Avery and Edward Munger, the first two students of Erasmus Hall High School and the other a sympathetic friend, were arraigned in the Gates avenue police court yesterday for painting the walls of the Boys' High School building, Marcy and Putnam avenues, on Sunday morning.
"What is this?" asked Magistrate Furlong, "just a schoolboy frolic?"
"A frolic that was of more than usual

maliciousness, your Honor," said Samuel Donnelly of the Board of Education, complainant against the boys. "When the High School boys won or lost in the years gone by the matter of decorating the walls of the school with the score was overlooked, as chalk was used. This year the boys used oil paints to set up the figures telling of the defeat of the Boys' High School team by the Poly Preps, and the walls of the building have been made hideous as a result. Paint won't wash off, as you know. If the boys will repair the damage done, I will not press the complaint." maliciousness, your Honor," said Samuel

If the boys will repair the damage done, I will not press the complaint."

"What have the boys of Erasmus High School to do with the victory of the Poly Preps?" asked the Magistrate.

"Nothing, except that the Erasmus boys were defeated by the High School team a short time ago, and, I believe, they are sore. It was a sympathetic painting."

"I think it would be a shame to send such young men to jail," said the Magistrate, trying to look very severe; but I know boys will be boys. Well, boys, will you repair the damage if I parole you until Dec. 12?"

The boys said that they would get the paint off some way or other and be at court to report on Dec. 12.

As they left the courtroom the boys talked over the project of removing the

talked over the project of removing the

paint.

"We can't go up there in the daylight to get that paint off," said Avery. "Every fellow in the school will be guying the life out of us. If we go at night they will be there on the watch, and make life miserable."

"Well" said Munger. "I will wash the

able."
"Well." said Munger, "I will wash the stuff off—burn it off if necessary, while you two watch out for the fellows. We'll do it after they are asleep."

The boys of the High School loitered around the building late in the afternoon yesterday, and in the evening there was a suspiciously large number of lads walking past the echool building.

HOT THIEF CHASE BY BUGGY. Gallant Dr. Hughes Captures Flat Sneak and Drags Him Aboard.

In the absence yesterday of the family of Mortimer D. Metcalfe from their flat house at 574 Bedford avenue. Williamsburg, a thief forced an and all drug addictions permanently cured. entrance with a jimmy and secured jewelry valued at \$500 and a dress suit belonging to Metcalfe. After leaving the house the thief went to a saloon at Heyward street and Bedford avenue, where he asked permission to leave the suit, which, with some of the other plunder, he had put in

Then he returned to the same house and broke into the flat of Dr. George Vosseller. He secured jewelry valued at \$400 and was leaving the flat when Mrs. Metcalfe returned and saw him. She suspected him of being a thief and seized his right arm, at the same time shouting for help. The burglar struck her in the face and she fell. She quickly recovered herself and ran up to her flat, only to discover that she had

been robbed.

Mrs. Metcalfe opened a front window and shouted for help just as the burglar darted down the front stoop to the street. Dr. Peter Hughes of 467 Bedford avenue was passing in a buggy and saw the fugitive. He whipped up his horse and pursued the thief down Rodney street to Wythe avenue. The man was hampered by the weight of the plunder in his overcoat pockets and he discarded that garment.

the plunder in his overcoat pockets and he discarded that garment.

The chase continued along Wythe avenue to Hewes street, where the thief ran into the front entrance of a saloon and emerged from the side door. Dr. Hughes continued the chase. At Hewes street and Bedford avenue, the fugitive tried to turn back, but Dr. Hughes drove his horse up on the sidewalk, reached out his right arm and caught the fellow, and yanked him into the buggy.

The doctor then drove back to the apartment house and thence to the Clymer street police station, where the burglar described himself as Charles Curtis, aged 22. He said he lived with his wife and two children at 101 Bergen street, that he formerly had worked in a poolroom and that poverty forced him to become a thief. He was locked up.

He was locked up.

PLEA OF GUILTY HIS DEFENCE. Man Caught With Cop's Full Dress Gets

Owner Out of a Scrape. Policeman Edward Burke of the West Twentieth street station bought two dress uniform coats a short time ago. They were stolen from him and the next day he couldn't appear in full uniform for an inspection. Following out the rules of the department, a complaint was made

Burke appeared before Judge Foster in General Sessions yesterday as complainant against Louis Hallerd of Pittsburg, who was arrested while trying to pawn the coats. Fallerd pleaded guilty and Judge Foster sent him to the Elmira Reformatory. Burke now hopes to have no trouble in explaining to Commissioner McAdoo why he couldn't appear in dress uniform.

THE WABASH TO BUY A CANAL. May Secure Entrance Into Washington by Purchasing the Chesapeake and Ohio.

WASHINGTON, Nov. 28 .- As a result of the forthcoming sale of the old Chesapeake and Ohio canal, the Wabash system will probably secure an entrance into Washingprobably secure an entrance into Washington, using the bed of the canal for a roadway. The board of Public Works of Maryland will sell the State's interest in the canal to the highest bidder at the bid opening to take place in Annapolis next Thursday. The District of Columbia also holds sone of the canal bonds and a pending bill authorizing their sale will be passed by Congress this winter.

In addition to buying the rights of Maryland and the District of Columbia, the Wabash would have to liquidate the morting lies on the canal, which are said to amount to \$600,000. The canal is 184 miles long and runs from Cumberland, Md., to Georgetown of West Washington.



Overcoat Days.

Refined, Dressy "Regulars," very long and moderately long Oxfords, blacks\$15 to \$50. Shapely Frock Overcoats, paddock or paletot ... \$25 to \$45.

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BENEDICT JEWELS NOT FOUND. Valuation Comes Down-Police Suggest That They Are Merely Lost.

With the appearance in this city yesterday of Mrs. F. H. Benedict, formerly Miss Virginie Coudert, the estimated value of the ewels which she says she lost in the Hotel Stratford, 11 East Thirty-second street, fell considerably away from the \$25,000 estimate made by Mrs. Caroline Genet, proprietor of the hotel. Mrs. Benedict old the detectives yesterday that the four pieces missing were worth, in her opinion. about \$5,000. The lost property consists of a diamond crescent, a diamond sunburst, a gold dagger set with diamonds, a diamond bee, and a collection of old coins. The pieces, Mrs. Benedict says, were valued by her more on account of their associations than because of any intrinsic worth.

Detectives from the Central Office and from the Tenderloin station have not been able to get any traces of the gems and think they will turn up when a thorough search has been made of the trunks which were shipped to Washington from the hotel. Although Mrs. Benedict telegraphed to

Capt. McClusky to have a man meet her at 3 East Fiftieth street at 11:30 Sunday night in regard to the case, it was not until 9 o'clock yesterday morning that the Detective Bureau knew of Mrs. Benedict's presence in town. At that hour she called Capt. McClusky up on the telephone.

"Why," she asked, "did you not send a man up to see me last night in response to my telegram?"

"Madam, I did," the inspector replied, "but 3 East Fiftieth street is St. Patrick's Cathedral, and Detective Sergeant Sullivan could find nobody there."

Mrs. Benedict suggeted that somebody had made a stupid mistake and requested the inspector to send a detective to her at once. Capt. McClusky to have a man meet her at

the inspector to send a detective to her at once.

Detective Sergeant McCafferty was assigned to the case and found her at the Buckingham, 2 East Fiftieth street. Mrs. Benedict did not bring back from Washington with her the maid to whom the jewels, according to the hotel clerk, were handed by him last Thursday night. The clerk says he has a witness, a guest of the house, who saw the maid take the bag from him. According to the clerks in the hotel neither Mrs. Benedict nor the



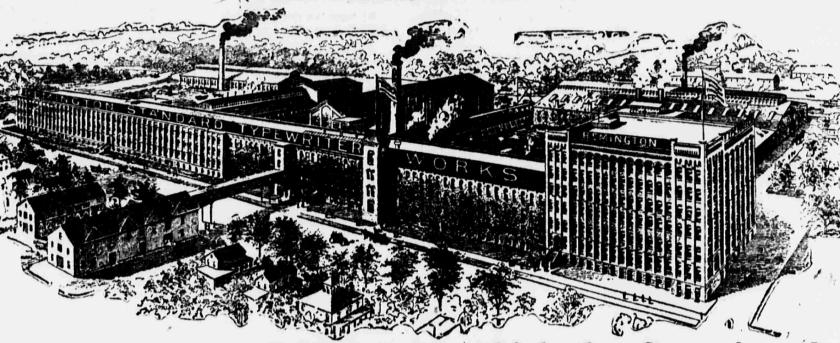
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in the bag. Mrs. Benedict, they said, was most careless with the bag.

"It is strange," said one of the clerks, "that the jewel case has not been lost before. Mrs. Benedict has left it at the desk for two days at a time, the maid bringing it in and handing it over without saying a word about its contents. It was often thrust under the counter with other parcels and left lying there until it was called for. When the maid handed it to the clerk on Thursday afternoon it was not put in the safe, but laid as usual on the shelf behind the desk. It was returned to the maid when she asked for it on Thursday night, and nothing more was heard of it until Mrs. Benedict herself came to the desk a few minutes before leaving for Washington on Saturday and asked for it."

Mrs. Genet said yesterday that a man said the maid's husband had called at the hotel several times when Mrs. Benedict

Erie Canal Closed by Ice.

AMSTERDAM, N. Y., Nov. 28.-Ice last night formed on the Erie Canal to a depth of three inches, and the State waterway was closed this morning. A State tug is busy near Little Falls in an effort to get some belated boats through to tidewater. Ice was still forming at 10 o'clock to-day. This afternoon the water was drawn

from section 3 of the canal and navigation for the season is at an end. No boats are detained on the section.



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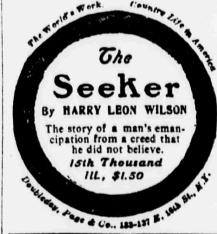
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Two Sons of Capt. Thayer of West Point Are Rescued, but One Dies an Hour Later. WEST POINT, Nov. 28.-After returning

from school to-day, Frank and Arthur Thayer, 14 and 12 years of age, respectively, sons of Capt. Arthur Thayer, broke through the ice on a deep pond. The cries of the boys attracted assistance and they were taken from the water, but the elder boy died about an hour later. Capt. and Mrs. Thayer had gone to Newburgh to attend a reception. They were summoned home by telephone, but did not arrive until their son had died. There is great sorrow at West Point over the distressing affair.

PUBLICATIONS.



ART SALES AND EXHIBITIONS.

IMPORTANT SALE **High-Class Paintings** NOW ON EXHIBITION

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The Collection of Mrs. Leroy Stewart, ' Several Important Additions by the GREAT MASTERS. THE SALE will be held on the evenings of Thursday and Friday next at 8:15, in the Grand Ballroom WALDORF-ASTORIA.

Mr. JAMES P. SILO will conduct the sale.

Dr. William Conrad Wile, editor of the New England Medical Monthly, gave a dinner to A. L. C. Atkinson. Secretary of the Territory of Hawaii, at the Lotos Club last night. Among the guests were: Gov. Abiram Chamberlain of Connecticut, John W. Griggs,

BOYS BREAK THROUGH THE ICE. | Dines Secretary of Hawalian Territory. | H. H. Vreeland, president of the New York

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